

Notice of Allowability

Application No.

10/606,869

Examiner

Gregory V. Madden

Applicant(s)

AKIYAMA ET AL.

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to request for continued examination filed July 10, 2007.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

N.Vu

NGOC-YEN VU
SUPERVISORY PATENT EXAMINER

REASONS FOR ALLOWANCE

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 10, 2007 has been entered.

Response to Amendment

In response to the final office action mailed March 8, 2007, the Applicant has amended independent claims 1 and 10 to include the limitation that a first image frame is compressed using intraframe coding at a first target data rate, while one or more subsequent image frames are also compressed using intraframe coding at a second target data rate that is lower than the first target data rate. With this amendment, the Examiner believes that the above claims are allowable over the prior art, and thus claims 1-17 are allowable over the prior art. Please refer to the Examiner's reasons for allowance set forth in more detail below.

Further, it is noted that the Applicant has submitted replacement drawings for Figs. 1-5, the drawings being submitted on June 8, 2007.

Allowable Subject Matter

Claims 1-17 are allowed.

The following is an examiner's statement of reasons for allowance:

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First, in regard to **claim 1**, the prior art fails to teach or reasonably suggest a method of producing a motion video image file from a motion image sequence, wherein the method comprises the steps of compressing a first image frame using intraframe (I) coding at a first target data rate, storing the compressed first image frame as a first intracoded frame in a motion video image file, providing a second target data rate for intraframe coding of one or more subsequent image frames of the motion image sequence, the second target data rate being lower than the first target data rate, decompressing the compressed first image frame, and using the decompressed first image frame to provide a still image representative of the motion video image file.

Claims 2-9 are considered allowable based upon their dependence from allowable independent claim 1.

As for **claim 10**, the prior art fails to teach or reasonably suggest a digital camera for capturing a motion image sequence and producing a motion video image file from a motion image sequence, wherein the digital camera comprises a processor for compressing a first image frame using intraframe (I) coding at a first target data rate, storing the compressed first image frame as a first intracoded frame in a motion video image file, and providing a second target data rate for intraframe coding of one or more subsequent image frames of the motion image sequence, the second target data rate being lower than the first target data rate.

Claims 11-17 are considered allowable based upon their dependence from allowable independent claim 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory V. Madden whose telephone number is 571-272-8128. The examiner can normally be reached on Mon.-Fri. 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gregory Madden
September 13, 2007


NGOC-YEN VU
SUPERVISORY PATENT EXAMINER